



## Senate

General Assembly

January Session, 2009

**File No. 471**

Senate Bill No. 1078

*Senate, April 6, 2009*

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

### **AN ACT ESTABLISHING A BI-STATE LONG ISLAND SOUND COMMISSION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective July 1, 2009*) (a) The General Assembly
- 2 hereby finds that Long Island Sound is a precious and sensitive natural
- 3 resource providing the states of Connecticut and New York with a
- 4 source of environmental beauty, marine resources, transportation,
- 5 industry and recreation. Said states share ownership and stewardship
- 6 of Long Island Sound. Decisions of one state may impact directly or
- 7 indirectly on the residents of the other state. Significant projects may
- 8 require approval from state or local agencies in both states. Proposed
- 9 projects to address energy supply and energy demand of both states
- 10 potentially affect Long Island Sound. Cooperative planning to address
- 11 such energy supply and demand would greatly reduce the impact of
- 12 such proposed projects on Long Island Sound. The waters and
- 13 industrial uses of the lower Hudson River Valley similarly affect the
- 14 quality of Long Island Sound.

15 (b) There is established a Bi-State Long Island Sound Commission.  
16 Said commission shall consist of fourteen members, seven of whom  
17 shall be residents of Connecticut and seven of whom shall be residents  
18 of New York. The Connecticut members shall be appointed to two-  
19 year terms as follows: One appointed by the Governor, one appointed  
20 by the president pro tempore of the Senate, one appointed by the  
21 majority leader of the Senate and one appointed by the minority leader  
22 of the Senate, one appointed by the speaker of the House of  
23 Representatives, one appointed by the majority leader of the House of  
24 Representatives and one appointed by the minority leader of the  
25 House of Representatives. The Governors of the states of Connecticut  
26 and New York, or their designees, shall be cochairpersons of said  
27 commission, ex officio, unless the commission members select other  
28 chairpersons by majority vote. In no event shall the cochairpersons be  
29 from the same state.

30 (c) Said commission shall (1) review and consider major  
31 environmental, ecological and energy issues involving Long Island  
32 Sound and the lower Hudson River Valley, (2) seek consensus on  
33 strategies and policies concerning such issues, and (3) make  
34 recommendations for administrative and legislative action to  
35 implement such strategies and policies. Said commission shall meet  
36 not later than October 1, 2009, and not less than quarterly thereafter, at  
37 a time, date and place to be determined by the cochairpersons.

38 (d) Said commission shall be within the Department of  
39 Environmental Protection for administrative purposes only, and the  
40 expenses for said commission shall be borne equally by the states of  
41 Connecticut and New York.

42 (e) Nothing in this section shall be construed to supplant or  
43 supersede any statutory or regulatory authority of any state or  
44 municipal agency concerning projects, policies or activities of said  
45 commission.

46 (f) The provisions of this section shall take effect upon enactment by  
47 the state of New York of legislation having like effect.

48       Sec. 2. Sections 25-138 to 25-142, inclusive, of the general statutes are  
49 repealed. (*Effective July 1, 2009*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	New section
Sec. 2	<i>July 1, 2009</i>	Repealer section

**ENV**       *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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### ***OFA Fiscal Note***

#### ***State Impact:***

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Department of Environmental Protection	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

***Municipal Impact:*** None

#### ***Explanation***

#### ***Explanation***

This bill replaces the Bi-State Long Island Sound Committee with the Bi-State Long Island Sound Commission; the previously existing Committee never met and no expenses were ever incurred since New York never passed corresponding legislation. Therefore, it is not anticipated that any expenditures for travel or meetings and conferences would be incurred.

The bill could result in a significant cost to the Department of Environmental Protection (DEP) to the extent that the bill requires expenses for the Bi-State Long Island Sound Commission to be borne equally by the states of Connecticut and New York. Travel<sup>1</sup> and meeting or conference expenses would only be incurred to the extent that similar legislation is passed by the State of New York.

#### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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<sup>1</sup> The current mileage reimbursement rate is \$0.55 per mile.

**OLR Bill Analysis****SB 1078*****AN ACT ESTABLISHING A BI-STATE LONG ISLAND SOUND COMMISSION.*****SUMMARY:**

This bill replaces the Bi-State Long Island Sound Committee (committee) with a Bi-State Long Island Sound Commission (commission). The commission must:

1. review and consider major environmental, ecological, and energy issues involving Long Island Sound and the lower Hudson River valley;
2. seek consensus on strategies and policies on these issues; and
3. recommend administrative and legislative action to implement the strategies and policies.

The commission takes effect when New York adopts similar legislation.

EFFECTIVE DATE: July 1, 2009

**POLICY DECLARATION**

The bill finds Connecticut and New York share ownership and stewardship of the Sound, which is a source of environmental beauty, marine resources, transportation, industry, and recreation for both states. Decisions by one state may impact those of the other. Projects proposed for the Sound, including those involving energy supply and demand, potentially affect the Sound, and may require state and local approvals from both New York and Connecticut. Cooperative planning to address energy supply and demand would greatly reduce the impact of these projects. The waters and industrial uses of the

lower Hudson River Valley also affect the quality of the Sound.

### **COMMISSION MEMBERSHIP AND MEETING SCHEDULE**

The commission consists of seven members from each state. The Connecticut members serve two-year terms. One member each must be appointed by: the governor, Senate president pro tempore, Senate majority leader, Senate minority leader, House speaker, House majority leader, and House minority leader.

The governors of Connecticut and New York, or their designees, are ex-officio co-chairs unless commission members select other chairs by majority vote. The co-chairs cannot be from the same state.

The commission must meet by October 1, 2009, and at least quarterly thereafter. The co-chairs must determine the time, date, and place of the meeting. It is not clear how this can occur by this date if New York does not adopt similar legislation.

### **OTHER PROVISIONS**

The commission is in the Department of Environmental Protection (DEP) for administrative purposes only. New York and Connecticut must share the commission's expenses equally.

The bill specifies that it does not supplant or supersede the statutory or regulatory authority of any state or municipal agency concerning the commission's projects, policies, or activities. It repeals the laws concerning the committee.

### **BACKGROUND**

#### ***Bi-State Long Island Sound Committee***

PA 05-137 created the Bi-State Long Island Sound Committee to recommend ways to protect the Sound's natural resources from the impact of proposed industrialization and private projects. This committee was to take effect when New York adopted similar legislation (CGS § 25-142). According to DEP, New York has not adopted such legislation, and the committee has not met. The committee created by PA 05-137 replaced the Connecticut New York

Bi-State Long Island Sound Marine Resources Committee (CGS §§ 25-138 through 142).

**COMMITTEE ACTION**

Environment Committee

Joint Favorable

Yea 31 Nay 0 (03/18/2009)